

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office NOV 22 1991Returned to applicant for correction JAN 03 1992Corrected application filed MAR 03 1992Map filed MAR 03 1992

The applicant **BOYD RANCH**, hereby makes application for permission to change the **Point of Diversion** of a portion water heretofore appropriated under **Proof No. 00458**, the **Edwards Decree, Humboldt River Adjudication, Case No. 2804**, in the Sixth Judicial Court of the State of Nevada.

1. The source of water is **Lamoille Creek**
2. The amount of water to be changed **393.519 acre-feet per season; 1.613 ft³/sec.**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.35 N., R.58 E., of M.D.B.&M., or at a point from which the SE Corner of said Section 8 bears S 14°18'09" E a distance of 1083.3 feet**
6. The existing permitted point of diversion is located within **SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T.35 N., R.58 E. of M.D.B.&M.**
7. Proposed place of use **To be unchanged within the SE $\frac{1}{4}$; the S $\frac{1}{2}$ SW $\frac{1}{4}$; and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 35 N., R.58 E., M.D.B.&M.**
8. Existing place of use **will remain unchanged within the SE $\frac{1}{4}$; the S $\frac{1}{2}$ SW $\frac{1}{4}$; and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T.35 N., R.58 E., of M.D.B.&M.**
9. Use will be from **15 April to 15 August** of each year.
10. Use was permitted from **15 April to 15 August** of each year.
11. Description of proposed works **6 x 5 x 14 ft. concrete headgate, ditches, and concrete checks in ditches.**
12. Estimated cost of works **\$5,000**
13. Estimated time required to construct works **Works have been completed**
14. Estimated time required to complete the application of water to beneficial use **Completed**
15. Remarks: **This is only a change in the Point of Diversion for a portion of the water from original Point of Diversion.**

DAVIS SURVEYING
 By s/Conn Davis
P.O. BOX 430
Elko, Nevada 89801

Compared ag/ cmf ag/ cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of Lamoille Creek as heretofore appropriated under Proof 00458 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 56936 and 56937 shall not exceed 393.519 acre-feet per season and 1.613 cubic feet per second.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.613 cubic feet per second, but not to exceed 393.519 acre-feet per irrigation season as designated by decree, and not to exceed a seasonal duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

May 4, 2005

Proof of completion of work shall be filed on or before:

June 4, 2005

Water must be placed to beneficial use on or before:

May 4, 2006

Proof of the application of water to beneficial use shall be filed on or before:

June 4, 2006

Map in support of proof of beneficial use shall be filed on or before:

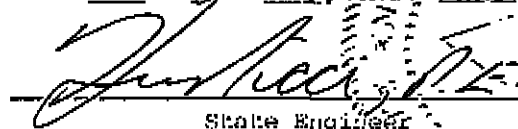
June 4, 2006

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 4th day of May, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____